

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|------------------------------|---|--------------|
| IN RE: | * | |
| | * | CASE NUMBER |
| BENDER SHIPBUILDING & REPAIR | * | 09-12616-MAM |
| CO., INC., | * | |
| | * | |
| Debtor. | * | |

MOTION TO CONVERT TO CHAPTER 11

Pursuant to 11 U.S.C. § 706(a), Debtor moves the Court for an Order converting its Chapter 7 proceeding to a proceeding under Chapter 11 of the Bankruptcy Code. This matter has not been previously converted under Section 1112, 1208 or 1307 of Title 11. In support of this Motion, Debtor states the following:

1. This case was originally commenced as an involuntary case whereby an Involuntary Petition for Relief under Chapter 7 was filed against Bender Shipbuilding & Repair Co., Inc. by the Petitioning Creditors, GulfMark Offshore, Inc., Louisiana Machinery Company, LLC, and Sirius Technical Services, Inc. on June 9, 2009.

2. An order for relief under Chapter 7 of Title 11 was entered on July 1, 2009

WHEREFORE, Debtor prays that after notice and hearing this Court will enter an Order converting its Chapter 7 proceeding to a case under Chapter 11 of the Bankruptcy Code.

Respectfully submitted on this the 1st day of July, 2009.

BENDER SHIPBUILDING & REPAIR CO., INC.

BY: /s/ Thomas B. Bender, Jr.
THOMAS B. BENDER, JR.
As Its President

/s/ Irvin Grodsky

IRVIN GRODSKY

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CERTIFICATE OF SERVICE

On this the 1st day of July, 2009, I hereby certify that the above and foregoing document has been served via court electronic mailing on the persons who have filed requests to receive notices with the Court and on the following:

Travis M. Bedsole, Jr., Esq.
U.S. Bankruptcy Administrator
Post Office Box 3083
Mobile, Alabama 36652-3083

/s/ Irvin Grodsky

IRVIN GRODSKY